

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

H.R. BUSHMAN & SON, CORP., et al.,)

Plaintiffs,)

v.)

SPUD PACKERS, INC., et al.,)

Defendants.)

Case No. 4:06CV1638 CDP

ORDER

This matter is before me on plaintiff H.R. Bushman & Son, Corp.'s motion for civil contempt and motion for a hearing to resolve all PACA claim objections. I would like to resolve all of the issues in this case in one bench trial, which can consider all the civil contempt issues as well as all objections. I will allow a very short time for the parties to take any discovery that may be necessary.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a hearing to resolve all PACA claims [#103] is granted in part.

IT IS FURTHER ORDERED that:

A. The parties shall complete any discovery no later than **November 21, 2007.**

B. This action is set for a **NON-JURY** trial on **December 17, 2007**, at **9:00 A.M.** This is a **two** week docket.

C. No later than **November 27, 2007**, the attorneys shall:

1. Stipulation:

Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation.

2. Witnesses:

(a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.

(b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

(a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs to use Arabic numerals and defendants to use letters, e.g., Pltf-1, Deft.-A, or Pltf Jones-1, Deft Smith-A, if there is more than one plaintiff or defendant), and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced. The list shall clearly indicate for each business record whether the proponent seeks to authenticate the business record by affidavit or declaration pursuant to Fed.R.Evid. 902(11) or 902(12).

(b) Submit said exhibits or true copies thereof, and copies of all affidavits or declarations pursuant to Fed.R.Evid. 902(11) or 902(12), to opposing counsel for examination. Prior to trial, the parties shall stipulate which exhibits may be introduced without objection or preliminary identification, and shall file written objections to all other exhibits.

(c) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing **December 7, 2007** may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

(a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. By **December 7, 2007**, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.

(b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. Findings of Fact, Conclusions of Law and Trial Brief:

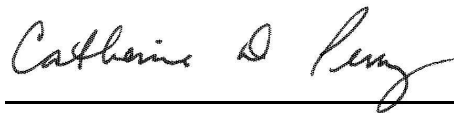
Submit to the Court and to opposing counsel full, complete, and specific findings of fact and conclusions of law, together with a trial brief, citing authorities, in support of said party's legal theories and discussing any anticipated substantive or procedural problems.

6. Motions in Limine:

File all motions in limine to exclude evidence, and submit a courtesy copy directly to the Court's chambers, by **December 7, 2007**.

IT IS FURTHER ORDERED that any requests to modify this order must be filed no later than **October 17, 2007**. Before filing any request to change the schedule, counsel must consult with all other counsel and must provide specific

alternative dates that are acceptable to all parties; if counsel cannot agree, the request should set out all parties' positions.

A handwritten signature in black ink, reading "Catherine D. Perry", written in a cursive style.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of October, 2007.